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Attorneys for Plaintiffs, TOMAS BARRERA, SR., individually and as a Personal Representative of THE ESTATE OF TOMAS BARRERA, JR.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARIA LAZOS, et al.,

Plaintiffs,

v.

CITY OF OXNARD, et al.,

Defendants.

AND CONSOLIDATED ACTION.

No. CV 08-02987 RGK (SHx)

[consolidated with No. CV 08-05153
RGK (SH)x]

AMENDED JOINT EXHIBIT LIST

Pretrial Conference: July 27, 2009

Trial: August 11, 2009

Courtroom: 850

TO THE HONORABLE R. GARY KLAUSNER, JUDGE OF THE FEDERAL COURT:

Plaintiffs, MARIA LAZOS, TOMAS BARRERA and THE ESTATE OF THOMAS BARRERA BY AND THROUGH ITS SUCCESSORS IN INTEREST MARIA LAZOS and TOMAS BARRERA hereby submit the following **Amended** Joint Exhibit List, containing Plaintiffs' objections to Defendants' exhibit list. .

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<u>Exhibit No.</u>	<u>Description</u>	<u>Objection, Stated Grounds</u>
1	Photograph of decedent TOMAS BARRERA prior to his death	Objection. Not produced in discovery.
2	Photograph of decedent TOMAS BARRERA prior to his death	Objection. Not produced in discovery.
3	Photograph of decedent TOMAS BARRERA prior to his death	Objection. Not produced in discovery.
4	Photograph of decedent TOMAS BARRERA prior to his death	Objection. Not produced in discovery.
5	Photograph of decedent TOMAS BARRERA prior to his death	Objection. Not produced in discovery.
6	Family photograph	Objection. Not produced in discovery.
7	Family photograph	Objection. Not produced in discovery.
8	Family photograph	Objection. Not produced in discovery.
9	Family photograph	Objection. Not produced in discovery.
10	Family photograph	Objection. Not produced in discovery.
11	Photograph of decedent TOMAS BARRERA's wake	Objection. Not produced in discovery.
12	Photograph of decedent TOMAS BARRERA's wake	Objection. Not produced in discovery.
13	Photograph depicting the incident scene (Ex. 4 to Salinas' deposition)	
14	Photograph depicting the incident scene (Ex. 5 to Salinas' deposition)	
15	Photograph depicting Casa San Juan (Ex. 1 to Tafoya and Duran's depositions)	
16	Photograph depicting Casa San Juan (Ex. 3 to Tafoya's deposition)	
17	Photograph depicting Casa San Juan (Ex. 4 to Tafoya's deposition)	

1 18 Photograph depicting Casa San
2 Juan (Ex. 2 to Estrada and
3 19 Photograph depicting the corner
4 of Hobson and 5th (Ex. 5 to
5 20 Photograph depicting the corner
6 of Hobson and 5th (Ex. 6 to
7 21 Photograph depicting the corner
8 of Hobson and 5th (Ex. 7 to
9 22 Photograph depicting the corner
10 of Hobson and 5th (Ex. 3 to
11 Estrada's deposition; Ex. 2 to
12 23 Physical Evidence Diagram BS
13 00501 (attached to Follow-up
14 24 Physical Evidence Diagram BS
15 00502 (Ex. 1 to Salinas'
16 25 Street Diagram BS 00503 (Ex. 2
17 to Salinas' deposition)
18 26 Physical Evidence Diagram BS
19 00504 (attached to Follow-up
20 27 Autopsy report of decedent
21 28 Salinas' job applications with
22 the Los Angeles Police
23 Department
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Objection. Records not produced in discovery. Records were obtained by plaintiff's counsel, from *Martinez v. City of Oxnard*, Case No. CV 98-9313 FMC (AJWx) and were subject to a protective order in said case. Defendants assert the protection afforded by California Penal Code §§ 832.7 and 832.8, Evidence Code §§ 1040 and 1043, and by the California Constitution's recognition of the right of privacy.

1	29	Salinas' job applications with the Oxnard Police Department	Objection. Records not produced in discovery. Records were obtained by plaintiff's counsel, from <i>Martinez v. City of Oxnard</i> , Case No. CV 98-9313 FMC (AJWx) and were subject to a protective order in said case. Defendants assert the protection afforded by California Penal Code §§ 832.7 and 832.8, Evidence Code §§ 1040 and 1043, and by the California Constitution's recognition of the right of privacy.
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8	30	Salinas' employment records with the Los Angeles Police Department	Objection. Records not produced in discovery. Records were obtained by plaintiff's counsel, from <i>Martinez v. City of Oxnard</i> , Case No. CV 98-9313 FMC (AJWx) and were subject to a protective order in said case. Defendants assert the protection afforded by California Penal Code §§ 832.7 and 832.8, Evidence Code §§ 1040 and 1043, and by the California Constitution's recognition of the right of privacy.
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14	31	Salinas' employment records with the Oxnard Police Department	Objection. Records not produced in discovery. Records were obtained by plaintiff's counsel, from <i>Martinez v. City of Oxnard</i> , Case No. CV 98-9313 FMC (AJWx) and were subject to a protective order in said case. Defendants assert the protection afforded by California Penal Code §§ 832.7 and 832.8, Evidence Code §§ 1040 and 1043, and by the California Constitution's recognition of the right of privacy.
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20	32	Personal history statements of Salinas	Objection. Records not produced in discovery. Records were obtained by plaintiff's counsel, from <i>Martinez v. City of Oxnard</i> , Case No. CV 98-9313 FMC (AJWx) and were subject to a protective order in said case. Defendants assert the protection afforded by California Penal Code §§ 832.7 and 832.8, Evidence Code §§ 1040 and 1043, and by the California Constitution's recognition of the right of privacy.
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1	33	Index card prepared by Dr. Randolph Nutter, Ph.D. re: Andrew Salinas	Objection. Records not produced in discovery. Records were obtained by plaintiff's counsel, from <i>Martinez v. City of Oxnard</i> , Case No. CV 98-9313 FMC (AJWx) and were subject to a protective order in said case. Defendants assert the protection afforded by California Penal Code §§ 832.7 and 832.8, Evidence Code §§ 1040 and 1043, and by the California Constitution's recognition of the right of privacy.
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8	34	Receipts for funeral and burial expenses	
9	35	Thomas Barrera, Jr's 2004 W2	
10	36	Maria Lazos' Tax Returns, 2007	
11	37	Maria Lazos' Tax Returns, 2005	
12	38	Correspondence between Thomas Barrera Jr., and Maria Lazos	
13			
14	39	Correspondence between Thomas Barrera Jr., and Maria Lazos	
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16	40	Correspondence between Thomas Barrera Jr., and Maria Lazos	
17			
18	41	Picture Living Room Window that faces corner of Hobson and 5 th St. from apartment of Varonica Tafoya	Objection. Lacks foundation, photograph has not been authenticated by any witness.
19			
20	42	2 nd Picture Living Room Window that faces corner of Hobson and 5 th St. from apartment of Varonica Tafoya	Objection. Lacks foundation, photograph has not been authenticated by any witness.
21			
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23	43	Picture of Blue Stool which Ms Tafoya used to stand and look out window	Objection. Lacks foundation, photograph has not been authenticated by any witness.
24			
25	44	Picture Blue Stool in by the window in same position that was night of incident	Objection. Lacks foundation, photograph has not been authenticated by any witness.
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27	45	Picture of G and 5 th Street	
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1	46	2 nd Picture of G and 5 th Street looking from opposing corner	
2			
3	47	Picture of G and 5 th Street	
4	48	Picture of Vehicle parked on G street facing North towards 5 th street	
5			
6	49	Picture of Vehicle parked on G street facing South towards 5 th street	
7			
8	50	2 nd Picture of Vehicle parked on G street facing South towards 5 th street	
9			
10	51	3 rd Picture of Vehicle parked on G street facing South towards 5 th street	
11			
12	52	Picture of 5 th and G street showing 3 vehicles	
13	53	Tire measurements	Objection. Lacks foundation. Has not been produced in discovery.
14			
15	54	Picture of 5 th and Hobson, facing San Juan Apartments	
16	55	2 nd Picture of 5 th and Hobson, facing San Juan Apartments	
17			
18	56	Close up of 5 casings	
19	57	7 Pictures of 5 th and Hobson	
20	58	Picture with heading "In Loving Memory of Tommy Barrera"	
21	59	Plaintiff, MARIA LAZOS's notes of conversation with Witness, Luis Garcia on 12/19/07	Objection. Hearsay.
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23			
24	60	Notes dated 10/17/07 of Maria Jackson (Plaintiff, Maria Lazo's sister) regarding the day of Thomas Barrera's death	Objection. Hearsay. Lacks foundation, photograph has not been authenticated by any witness.
25			
26	61	Re-enactment Video	Objection. Not produced in discovery. To the extent it is the product of plaintiffs' experts, the experts were not timely disclosed pursuant to Rule 26, and therefore, it is inadmissible.
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1	62	CD containing witness interviews	Objection. Hearsay. Lacks foundation, evidence has not been authenticated by any witness. Evidence not produced in discovery.
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3	63	Plaintiff, MARIA LAZOS medical records	Objection. Hearsay. Lacks foundation, evidence has not been authenticated by any witness. Evidence not produced in discovery.
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6	64	THOMAS BARRERA'S Hospice Records	Objection. Hearsay. Lacks foundation, evidence has not been authenticated by any witness. Evidence not produced in discovery.
7			
8	65	Discovery propounded upon Defendant, the CITY OF OXNARD, and responses thereto	
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11	66	Discovery propounded upon Defendant, ANDRÉW SALINAS, and responses thereto	
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13	67	Discovery propounded upon Defendant, JOHN CROMBACH, and responses thereto	
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16	68	The deposition transcript of Witness, Elias Olmos	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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19	69	The deposition transcript of Witness, Margaret Olmos	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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22	70	The deposition transcript of Witness, Antonio Mendoza	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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25	71	The deposition transcript of Witness, Josephine Estrada	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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1	72	The deposition transcript of Witness, Veronica Tafoya	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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4	73	The deposition transcript of Witness, Rosario Duran	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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7	74	The deposition transcript of Witness, Luis Garcia	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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10	75	The deposition transcript of Witness, Janice Frank, M.D.	Objection. The witnesses is not a party and may not be for any purpose under Rule 1007. Additionally, portions desired to be used have not been identified.
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13	76	The deposition transcript of Defendant, ANDREW SALINAS	Objection. Portions desired to be used have not been identified.
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15	77	The video deposition of Defendant, ANDREW SALINAS	Objection. Portions desired to be used have not been identified.
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17	78	CD labeled: Barrera Case 12/27/07	Objection. Hearsay. Lacks foundation, evidence has not been authenticated by any witness. Evidence not produced in discovery.
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19	79	CD labeled: Pictures of Scene Barrera	Objection. Lacks foundation, evidence has not been authenticated by any witness. Evidence not produced in discovery.
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22	80	CD labeled: Digital recordings from patrol	
23			
24	81	CD labeled: Dispatch Recordings 10/03/07	
25	82	CD labeled: Investigation Recording1	
26			
27	83	CD labeled: Eye Witness Recordings	Objection. Hearsay. Lacks foundation, evidence has not been authenticated by any witness. Evidence not produced in discovery.
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1	84	CD labeled: Digital Photo's of Crime Scene	
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3	85	CD labeled: Photo's of Crime Scene- 2	
4	86	CD labeled: Photo's from Property (Bitruck, witness photos, veh lic plates, tagging at memories, suspect being treated at scene, photos of scene, sgt. Salinas)	
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7	87	CD labeled: Walkthrough with Officer Salinas 10/03/07	
8			
9	88	CD labeled: Interview with Sgt. Andrew Salinas 10/03/07	
10			
11	89	CD labeled: Photo's BI Stg. Salinas Autopsy	
12	90	CD labeled: Follow-up Photos at 500 Hobson Way 12/27/07	
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14	91	Richard Fox's photo's of reenactment dated 06/30/09	Objection. Not produced in discovery. To the extent it is the product of plaintiffs' experts, the experts were not timely disclosed pursuant to Rule 26, and therefore, it is inadmissible.
15			
16	92	Keith Miller's photo's of reenactment dated 06/30/09	Objection. Not produced in discovery. To the extent it is the product of plaintiffs' experts, the experts were not timely disclosed pursuant to Rule 26, and therefore, it is inadmissible.
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19	93	Police Dispatch Log. Bates #00005-00012	Objection. Hearsay, lacks foundation and authenticity, not relevant.
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21	94	Police Dispatch recordings. Bates #01322	Objection. Hearsay, lacks foundation and authenticity, not relevant.
22			
23	95	Fire Dispatch Log. Bates #01486-01487	
24	96	Gold Coast Ambulance Dispatch - Trip Details	
25			
26	97	Crime Report by Robert Coughlin. Bates #00001-00004	No objection provided the officers who authored the reports will testify and lay proper foundation
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1	98	Crime Scene Report by Robert Coughlin. Bates #00014-00021	No objection provided the officers who authored the reports will testify and lay proper foundation
2			
3	99	Follow Up Report by Maria Pena. Bates #00480-00516	No objection provided the officers who authored the reports will testify and lay proper foundation
4			
5	100	Follow Up Report by Debra Schambra. Bates #00518-00523	No objection provided the officers who authored the reports will testify and lay proper foundation
6			
7	101	Follow Up Report by Bill Johnson. Bates #00524-00528	No objection provided the officers who authored the reports will testify and lay proper foundation
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9	102	Follow Up Report by Bill Johnson. Bates #00529-00531	No objection provided the officers who authored the reports will testify and lay proper foundation
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11	103	Follow Up Report by Bill Johnson. Bates #00532	No objection provided the officers who authored the reports will testify and lay proper foundation
12			
13	104	Follow Up Report by Joe Chase. Bates #00244-00246	No objection provided the officers who authored the reports will testify and lay proper foundation
14			
15	105	Walk Through recording. Bates #1485	Objection. Hearsay, lacks foundation and authenticity, not relevant, highly prejudicial (due to the powerful effect of a walk through on the jury) while having no probative value.
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18	106	Follow Up Report by Joe Chase. Bates #00247-00266	No objection provided the officers who authored the reports will testify and lay proper foundation
19			
20	107	Salinas Interview Video. Bates #1484	Objection. Hearsay, lacks foundation and authenticity, not relevant, highly prejudicial (due to the powerful effect of a walk through on the jury) while having no probative value.
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23	108	Follow Up Report by Bill Johnson. Bates #00535-00536	No objection provided the officers who authored the reports will testify and lay proper foundation
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25	109	Evidence List. Bates #00542-00547	
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1	110	Autopsy Report by Dr. Frank. Bates #00212-00222	Plaintiffs have no objection subject to portion of the report being excluded in accordance with Plaintiffs' Motion in Limine Nos. 3 and 4 (to exclude evidence of scar on decedent's arm and of syringe.)
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4	111	Sketch of Bullet Wounds. Exhibit 8 of Dr. Frank deposition	
5			
6	112	Toxicology Reports. Exhibit 7 of Dr. Frank deposition	Objection. Hearsay, lacks foundation, not relevant, highly prejudicial while having no probative value (see Plaintiffs' Motion in Limine No. 2 to exclude evidence of drug or alcohol use.)
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10	113	Oxnard Fire Department Report. Bates #01488-01495	
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12	114	Request for Analysis. Bates #00533-00534	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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14	115	Request for Analysis. Bates #00549-00550	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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17	116	Request for Analysis. Bates #00551	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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20	117	Request for Analysis. Bates #00552	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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23	118	Request for Analysis. Bates #00553-00554	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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1	119	Lab Report by Jill Nguyen. Bates #00059-00062	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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4	120	Lab Report by Kristin Rogahn. Bates #00063-00065	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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7	121	Lab Report by Jill Nguyen. Bates #00066-00067	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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10	122	Vehicle Report of October 9, 2007. Bates #00472	Objection. Not relevant.
11			
12	123	Daniel Morgan Correspondence of November 12, 2007. Bates #00476-00477	
13			
14	124	Fixed Blade Knife found in street.	Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
15			
16	125	Allen Wrench Tool found in street.	Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
17			
18	126	Certified copies of decedent's criminal convictions.	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation (see Plaintiffs' Motion in Limine No. 1)
19			
20	127	Photo of knife and chisel. Exhibit 2 Garcia deposition	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
21			
22			
23	128	Photo of steering column. Exhibit 3 Garcia deposition	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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26	129	Photo of ignition switch. Exhibit 4 Garcia deposition	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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1	130	Photo of Allen Wrench. Exhibit 8 Tafoya deposition	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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4	131	Photo of content of pockets. Exhibit 4 Dr. Frank deposition	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation (see Plaintiffs' Motion in Limine Nos. 2 and 4)
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6			
7	132	Photo of knife sheath. Exhibit 5 Dr. Frank deposition	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
8			
9	133	Photo of content of pockets. Exhibit 6 Dr. Frank deposition	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation (see Plaintiffs' Motion in Limine Nos. 2 and 4)
10			
11	134	Photo of Hand. Exhibit 12 Dr. Frank deposition	Objection. Not relevant, highly prejudicial while having no probative value, lacks foundation (see Plaintiffs' Motion in Limine Nos. 2 and 4)
12			
13			
14	135	Photo of gunshot wounds. Bates#00621, IMG4477	
15	136	Photo of Salinas. Bates#00621, P1010333	Objection. Not relevant.
16			
17	137	Photo of Salinas. Bates#00621, P1010334	Objection. Not relevant.
18	138	Photo of Salinas. Bates#00621, P1010336	Objection. Not relevant.
19			
20	139	Photo of scene overhead. Bates #00620 IMG4330	
21	140	Photo of truck and cruiser. Bates #00620 IMG4248	Objection. Not relevant, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
22			
23	141	Photo of truck and bike. Bates #00620 IMG4255	Objection. Not relevant, Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
24			
25	142	Photo of scene with cones. Bates #00620 P1010266	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
26			
27	143	Photo of scene with cones and markers 1-6. Bates #00620 P1010312	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
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1	144	Photo of intersection overview. Bates #00620 IMG4302	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
2			
3	145	Photo of marker #1, knife. Bates #00620 P1010278	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
4			
5	146	Photo of marker #2, casing. Bates #00620 P1010279	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
6			
7	147	Photo of marker #3, casing. Bates #00620 P1010280	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
8			
9	148	Photo of marker #4, casing. Bates #00620 P1010281	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
10			
11	149	Photo of marker #5, casing. Bates #00620 P1010282	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
12			
13	150	Photo of marker #6, Allen Wrench. Bates #00620 P1010283	Objection. Defendants failed to preserve said evidence (see Plaintiffs' Motion in Limine No. 9.)
14			
15	151	Photo of scene. Exhibit 1 of Duran deposition	
16			
17	152	Photo of scene. Exhibit 2 of Duran deposition	
18			
19	153	Photo of scene. Exhibit 1 of Mendoza deposition	
20			
21	154	Photo of scene. Exhibit 2 of Mendoza deposition	
22			
23	155	Photo of scene. Exhibit 1 of Estrada deposition	
24			
25	156	Photo of scene. Exhibit 2 of Estrada deposition	
26			
27	157	Photo of scene. Exhibit 3 of Estrada deposition	
28			
	158	Rule 26 Report of J. Zwickey	Objection. Hearsay.
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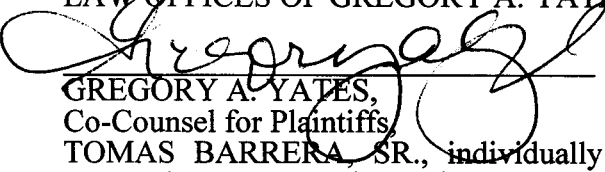
1 159

Rule 26 Report of B. Lewinski

Objection. Hearsay.

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3 Dated: July 24, 2009

LAW OFFICES OF GREGORY A. YATES

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6 GREGORY A. YATES,
7 Co-Counsel for Plaintiffs,
8 TOMAS BARRERA, SR., individually and as a
9 Personal Representative of THE ESTATE OF
10 TOMAS BARRERA, JR.

11
12 Dated: July ____, 2009

LAW OFFICES OF KIM D. SCOVIS

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JENNY SCOVIS,
Counsel for Plaintiff,
MARIA LAZOS, individually and as a Personal
Representative of THE ESTATE OF TOMAS
BARRERA, JR.